

## Message Text

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ACTION L-03

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FM AMEMBASSY LONDON

TO SECSTATE WASHDC IMMEDIATE 1747

UNCLAS LONDON 08651

DEPARTMENT FOR LEGAL ADVISER

DEPARTMENT PASS JUSTICE DEPARTMENT, ATTENTION BRUNO  
RISTAU

E.O. 11652: N/A

TAGS: LIM1, MIL1

SUBJECT: FOREIGN LITIGATION

REF: STATE 127978

SOLICITOR SUMMERFIELD OF OPPENHEIMERS HAS ASKED THAT  
THE FOLLOWING MESSAGE BE PASSED TO YOU:

QUOTE THE BRINDLE CASE WAS NOT HEARD BY THE COURT  
OF APPEAL TODAY AND THE HEARING IS NOW ANTICIPATED TO  
TAKE PLACE ON MONDAY.

AS MR. CHARIG IS WITH YOU AT PRESENT, PERHAPS YOU  
COULD DISCUSS WITH HIM THE BEST PROCEDURE TO BE  
FOLLOWED WHEN WAIVING IMMUNITIES IN A CASE INVOLVING  
LABOR RELATIONS AND ACCEPTING SERVICE OF PROCEEDINGS.

THE METHOD WHICH HAS BEEN MOOTED AS FAR HAS BEEN  
AN APPLICATION TO THE FOREIGN AND COMMONWEALTH OFFICE  
WHICH WOULD THEN PASS THE PAPERS TO THE AMERICAN EMBASSY.  
THE EMBASSY WOULD THEN CONTACT YOUR DEPARTMENT FOR  
INSTRUCTIONS. WHILST THIS METHOD IS PERFECTLY POSSIBLE,  
IT WOULD INVOLVE OF NECESSITY CONSIDERABLE DELAY. THE  
INDUSTRIAL TRIBUNALS, PERHAPS UNLIKE ORDINARY COURTS,  
DEPRECATE ALL DELAY AND MIGHT CRITICIZE THIS PROCEDURE  
TO OUR PREJUDICE. CONSIDERATION MIGHT, THEREFORE, BE  
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GIVEN TO MY FIRM BEING INSTRUCTED TO RECEIVE APPLICA-

TIONS, CONSIDER WHETHER A CASE FALLS WITHIN THE CATEGORY OF CASES INVOLVING INDUSTRIAL RELATIONS AND THEN ACCEPTING SERVICE EITHER WITH OR WITHOUT YOUR DEPARTMENT'S PRIOR APPROVAL IN EACH CASE. IN THE LATTER CASE WE WOULD, OF COURSE, KEEP YOUR DEPARTMENT INFORMED.

THERE WOULD BE AN ADDITIONAL ADVANTAGE IN THAT WE WOULD HAVE EARLY WARNING OF AN APPLICATION AND WILL BE ABLE TO CONTACT THE BASE INVOLVED FOR IMMEDIATE INSTRUCTIONS. WE GENERALLY HAVE ONLY 14 DAYS AFTER ACCEPTANCE OF SERVICE TO PREPARE DEFENSE AND CONSIDER MERITS OF APPLICATION. IF THIS PROCEDURE WERE ADOPTED, THIS WOULD MERELY INVOLVE OUR NOTIFYING THE TRIBUNAL OF THE DECISION AS IT IS THE TRIBUNAL WHICH FORWARDS APPLICATIONS TO THE RESPONDENT OR PROSPECTIVE RESPONDENT. LABOR RELATION LAWS IN THIS COUNTRY ARE BEING WIDENED IN SCOPE ALL THE TIME AND IT MAY BE NECESSARY AND PRUDENT TO EXTEND CASES FOR WAIVER OF IMMUNITY FROM REDUNDANT AND UNFAIR DISMISSAL CASES TO OTHER CASES INVOLVING SIMILAR INDUSTRIAL AND LABOR DISPUTES. THE DIFFICULTY LIES IN THE GENERAL OVERLAP WHICH OCCURS IN THE CASES AND IT WOULD BE IMPOSSIBLE TO ACCEPT SERVICE IN RELATION TO SOME VARIED CLAIMS MADE BY AN APPLICANT AT ONE AND THE SAME TIME.

I AM, OF COURSE, PREPARED TO EXPOUND ON THIS IN GREATER DETAIL, BUT THOUGHT A CABLE WOULD ASSIST IN YOUR DELIBERATIONS WITH MR. CHARIG. REGARDS, SUMMERFIELD.  
END QUOTE.

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